

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

U.S. DISTRICT COURT  
R.D. OF ALABAMA

HENRY NEAL FERGUSON, III, )  
Plaintiff, )  
vs. )  
STEVE GIDDENS, ET AL., )  
Defendants. )

**ENTERED**

OCT 22 2004

CV-03-TMP-1784-M

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 5, 2004, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections to the report and recommendation on October 14, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 21<sup>st</sup> day of October, 2004.

  
ROBERT B. PROPST  
UNITED STATES DISTRICT JUDGE

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